

### **REMARKS**

In the Office Action dated August 8, 2005, claims 1-10 were rejected under 35 USC §103(a) as being unpatentable over the Delanty U.S. Patent No. 2,208,021.

Reconsideration of the above rejection is respectfully requested in view of the claim amendments and the following arguments for allowance.

The Delanty '021 reference cited by the Examiner teaches a mounting arrangement between a pair of running boards and the support structure mounted to the top surface of a rail car. Specifically, the top surface of the rail car includes a fixed metallic cap strip 19 that extends upward from the surface of the rail car and receives a pair of angle bars 20 each having a horizontal flange 21 and a vertical flange 22. The vertical flange of each angle bar is engaged with the cap strip by a series of rivets. As best shown in Fig. 2 of the '021 patent, a sealing strip 24 is applied over the cap strip. A pair of lateral flanges 25 of the sealing strip overlap the top surfaces of the horizontal flanges 21 of the angle bar. As clearly stated in column 2, lines 68-71 of the '021 patent, the sealing strip 24 prevents the entrance of water between the sides of the cap strip and the vertical flanges 22 of the angle bars. Thus, the sealing strip 24 is positioned between the running board and the mounting bracket contained on the rail car to prevent the entrance of water between the portions of the mounting bracket.

By the present amendment, both independent claim 1 and independent claim 13 have been amended to more specifically define the non-metallic bushing and insert that are positioned between the metal bracket on the railway car and metal support surface (running boards). Specifically, the bushing is defined as including an enlarged central opening that receives an expanded head of an insert. The insert includes a threaded shaft that depends from the head and is secured to the metal bracket of the railway car. The expanded head of the insert is received within the bushing to provide the flexible, resilient connection between the support surface and the metal bracket such that the bushing can flex relative to the insert and absorb the vibration and flexing between the rail car and the support surface.

As amended, both claims 1 and 13 require either a fastening device or a bolt to pass through the upper portion of the bushing and be threadedly received in an internally threaded bolt of the insert. Thus, the insert received within the non-metallic bushing provides the basis for connection to both the metal bracket on the rail car and the metal support surface. In this manner, the non-metallic bushing forms a flexible connection between the metal support surface and the metal bracket of the railway car to absorb vibration and movement between the two components.

In the Delanty '021 reference, the sealing strip 24 extends over the top portion of the cap strip 19 and the horizontal flanges for the explicit purpose of preventing the entrance of water between the cap strip 19 and the vertical flanges 21, most likely to prevent the rusting of these components. The sealing strip 24 does not have an upstanding neck that receives the fastening device (bolt) as required by both independent claims 1 and 13. Further, the bushing does not include a lower portion that receives an expanded head of an insert such that the insert can receive the fastening device (bolt), as is also required by claims 1 and 13. Further, the Delanty '021 reference does not teach any type of structure for isolating the vibration and movement of the running boards from the stationary metal bracket attached to the rail car. Instead, the Delanty '021 reference teaches only a membrane that prevents water from passing between components of the mounting bracket. Since the sealing strip 24 is utilized solely for the purpose of preventing water entrance, the subject matter of amended independent claims 1 and 13 cannot be deemed obvious in view of the teaching of the Delanty '021 reference.

Based upon the above distinctions, independent claims 1 and 13 are believed to be allowable over the Delanty '021 reference cited by the Examiner. Further, claims 4-12, 14-15 and 17-20 depend directly or indirectly from amended independent claims 1 and 13 and are thus believed to be allowable based upon the above arguments for allowance, as well as in view of the subject matter of each of the claims. The dependent claims discussed above introduce further limitations to the mounting system that are

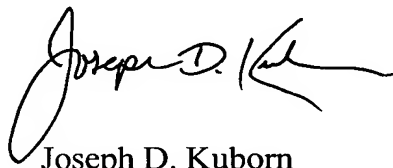
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clearly not shown or suggested, nor rendered obvious, by the subject matter of the Delanty '021 reference.

The Examiner is invited to contact the applicant's undersigned attorney to further facilitate prosecution of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Joseph D. Kuborn", with a stylized flourish at the end.

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